

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:22-CV-22671**

DELIO BATISTA,
CARLOS LOPEZ,
MARIANA LOPEZ, and
RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC.,
REINIER CORTES, and
ANDREA GONZALEZ QUINTERO,

Defendants.

SWORN MOTION TO EXCUSE ONE DAY DELAY ON MOTION DEADLINES
NUN PRO TUNC

DEFENDANTS, by and through their undersigned counsel, Daniel E. Tropp, Esq. respectfully
Moves this Honorable Court to be excused and allow leave to have submitted Defendants Motion
for Summary Judgment one day late past this court's May 15, 2023 filing deadline and states:

1. On May 14th & May 15, 2023 (5/14/23 @ 7 pm to 11:30 pm and 5/15/23 1:30 am to 3:30 am),
the undersigned attorney had to rush to two (2) separate hospitals for ER emergencies involving
his elderly father (age 86) and son (age 24). On 5/15/2023, Undersigned's father fell and injured
his head and face in backyard and rushed to Mount Sinai ER for minor laceration and bruising.
At night, on 5/16/23, undersigned's son needed to be taken to the hospital for 6 stitches above
the eye due to horseplaying with guest. Both incidents are verifiable and the undersigned would
consider the incidents as "freak" accidents outside the norm.
2. The undersigned would respectfully request that the court to excuse, or sanction the undersigned

, and not his client/Defendants who had no fault in these events.

3. “Excusable neglect is found ‘where inaction results from clerical or secretarial error, reasonable misunderstanding, a system gone awry or any other of the foibles to which human nature is heir.’ ” *Elliott v. Aurora Loan Servs., LLC*, 31 So.3d 304, 307 (Fla. 4th DCA 2010) (quoting *Somero v. Hendry Gen. Hosp.*, 467 So.2d 1103, 1106 (Fla. 4th DCA 1985)) cited in *SunTrust Mortg. v. Torrensa*, 153 So.3d 952 (Fla. App. 2014)
4. The undersigned certifies that he has made a good faith effort to resolve this matter conferring with opposing counsel and despite said attempts to resolve was unable to resolve this matter without the need for a hearing.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via CMF efileing portal .to attorney for Plaintiffs on May 16, 2023.

Respectfully submitted,
CUETO LAW GROUP P.L.
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By: **Daniel Tropp**

DANIEL E. TROPP, ESQ.
Fla. Bar Lic. #948128

I Understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Signed by Affiant: Daniel Tropp
: **Daniel Tropp Esq.**

